

REMARKS

The Examiner's telephone communication on July 25, 2005 requested that applicant(s) assist Examiner in clearly identifying the application to be processed and examined.

The Petition

On September 2, 2004, Applicant's Petition to have the application corrected was granted. The Decision of the Petition stated that the application was to be reprocessed using the 30 page specification, claims, and abstract entitled, "Apparatus, Method and System for Maintaining Call Control at a Gateway Mobile Switching Center Utilizing a Packet Network", that was supplied with the petition. The approximately 180 page Petition is labeled, "PETITION TO ESTABLISH PRIOR RECEIPT IN THE PATENT AND TRADEMARK OFFICE OF ITEM APPARENTLY CONSIDERED OMITTED BY THE PATENT AND TRADEMARK OFFICE", and includes 19 attached exhibits. Exhibit 2 contains the correct application.

During the telephone communication, applicant verified with Examiner that Examiner is able to electronically access the entire Petition, including the list of exhibits on page 10 of the Petition, and exhibit 2 which contains the 30 page specification entitled "Apparatus, Method and System for Maintaining Call Control at a Gateway Mobile Switching Center Utilizing a Packet Network" that begins on page 13 of the Petition.

Applicant first calls Examiner's attention to the list of exhibits on page 10 of the Petition. The list identifies exhibit 2 as containing the SPECIFICATION, CLAIMS, and ABSTRACT of the originally-file application entitled, "Apparatus, Method and System for Maintaining Call Control at a Gateway Mobile Switching Center Utilizing a Packet Network". This identifies, as exhibit 2, the correct application to be processed and examined.

Applicant therefore calls Examiner's attention to exhibit 2 beginning on page 13 of the Petition and continuing through page 42 of the Petition. The application is entitled "Apparatus, Method and System for Maintaining Call Control at a Gateway Mobile Switching Center Utilizing a Packet Network" and is 30 pages. It includes the SPECIFICATION beginning on page 13 of the petition (numbered in the application as page 1), the 56 CLAIMS beginning on page 30 of the petition (numbered in the application as page 18), and the ABSTRACT beginning on page 42 of the petition (numbered in the application as page 30.) Applicant's wishes to

call to Examiner's attention that within the first three lines of text in each of the Specification, Claims, and Abstract sections there is the identifying phrase "maintaining call control at a gateway mobile switching center". This identifies the application to be examined and processed, including the Specification, Claims and Abstract.

Lastly, Applicant calls Examiner's attention to exhibit 17, but only for the purpose of identifying the incorrect application. As decided in the Petition, examiner is not to process or examine the incorrect 35 page specification.

CONCLUSION


Applicant believes that this is fully responsive to Examiner's request made on July 25, 2005 and Applicant kindly requests that Examiner reprocess and examine the application with a filing date of April 26, 2000 using the identified 30 page specification entitled 'Apparatus, Method and System for Maintaining Call Control at a Gateway Mobile Switching Center Utilizing a Packet Network' that was supplied with the Petition.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joe Dreher, at (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP


8/1/05
Date


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CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☐ deposited with the United States Postal Service as First Class mail, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☒ transmitted via facsimile (571-273-8300) in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.;	Signature 
Date August 1, 2005	Printed Name Roseanne L. Giuliani

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